

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

A.O. No.236 of 2001
(Old No. 235/1998)

National Insurance Company Ltd.
through its Administrative Officer,
Mahatma Gandhi Marg, Allahabad

.....Opp. party/Appellant

Versus

1. Sunder Singh S/o Sri Rati Singh
2. Smt. Kwara Devi W/o Sri Sunder Singh
Both resident of Village Aleru,
Patti Juwa, Tehsil Tehri
District Tehri Garhwal Claimants-respondents
3. Dharamvir Singh, S/o Sri Bhagwan Singh,
R/o Village Dabri Semwal Gaon, Patti-Juwa,
Patti-Juwa, Tehsil Tehri, Distt. Tehri Garhwal

..... Opposite Party -Respondent

Date: October 12, 2004

Hon'ble P.C. Verma, J.
Hon'ble B.S. Verma, J.

This appeal has been preferred by the appellant against the judgment and award dated 15.12.1997 passed by Motor Accident Claims Tribunal/ District Judge, Tehri Garhwal in Motor Accident Claims Case No.2 of 1996, whereby the appellant has been directed to pay Rs.1,62,000/- as compensation including interest at the rate of 18% per annum.

The Petitioners/O.P.s. have filed their claim petition for the grant of the compensation due to the death of their son Shri Azad Singh in an accident occurred on 13.08.1995 a 2.00 P.M. at Village Cahukhal at Mussoorie-Chamba Road by Commander Jeep Taxi No. UP 08-3448. The said jeep was coming from Kanatal to Chamba. The said vehicle was driven by its driver rashly and negligently resulting its fall in the dhangar. Shri Azad Singh (the deceased) died at the spot. The age of the deceased

was –18- years at the time of accident and he was earning Rs.2,000/- per month from agriculture and dairy farming. The opposite parties contested the claim petition by filing their separate written statement by Paper No.26 Kha. They denied the allegations made in the claim petition. However, the accident on the aforesaid date, time and place and the insurance of the Jeep has been admitted. The Tribunal, on the pleadings of the parties, framed necessary issues and the Tribunal found that the accident has occurred due to the rash and negligent driving of the driver of the said vehicle.

On the basis of evidence on record, the learned Tribunal calculated the annual loss of dependency of Rs.15,000/- per annum and applied the multiplier of ‘16’ and had awarded Rs.1,62,000/-.

The Appellant only confines his prayer to the extent that the interest given by the Tribunal is exorbitant. The Tribunal has award the interest at the rate of 18% per annum. We are also of the view that the interest awarded by the Tribunal is exorbitant, hence interest is reduced to 10% per annum.

No other point was urged or argued before us.

Ultimately, the appeal is partly allowed. The impugned judgment and award is modified and the appellants-claimants are entitled to get the interest at the rate of **10% per annum** instead of 18% per annum as awarded by the learned Tribunal. No order as to costs. The amount deposited shall be remitted to M.A.C.T. concerned for being paid to claimants.

(B.S. Verma, J.) (P.C. Verma, J.)